

### **Remarks/Arguments**

#### **Interview Summary**

Applicant would like to thank Examiner Nguyen for the interview on September 27, 2006. The contents of the interview are set forth below.

#### **Objections Addressed**

The disclosure was objected to because on page 1, line 11, the phrase “complications the result from” needed to be restated as “complications that result from”. This has been done per the Examiner’s suggestion.

Claims 9, 16, and 17 were objected to under 37 CFR 1.75(c). Claim 9 has been amended to clarify that “the support section” is “said support portion” introduced earlier in Claim 9. Claims 16 and 17 were objected to because they fail to further limit the claim because the user support is not part of the invention. Applicant notes that the invention claimed in Claims 16 and 17 is adapted to be fit to a flat mattress or an adjustable mattress. Applicant has clarified this in the amended claims. Applicant also notes that amended Claims 16 and 17 are supported in the application (see, e.g. FIGURES 1 and 2).

#### **Rejections Addressed**

Claims 1-14 were rejected under 35 U.S.C. 112 as being indefinite. Applicant has amended these claims per the Examiner’s suggestion, with the exception of Claim 12. The limitation “said mounted housing” is preceded by the term “a mounted housing” in line 12 of Claim 9.

Claims 1-18 are pending. Claims 1-18 were rejected. Claims 1, 9, and 10 were rejected under 35 U.S.C. 102(b) as being anticipated by McJunkin (U.S. 4,925,184). Claims 1, 7, and 8 were rejected under 35 U.S.C. 102(b) as being anticipated by Craig (U.S. 3,848,870). Claims 15-17 were rejected under 35 U.S.C. 102(b) as being anticipated by Anmelder (DE 41 13 135 A1). Claims 2, 3, and 11-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over McJunkin in view of Kepiro (U.S. 4,881,732). Claims 4-6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Craig. Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Anmelder in view of Kepiro.

Claims 1, 9 and 15 are the independent claims. Applicant respectfully disagrees with the grounds of rejection. However, in order to expedite allowance of the claims, Applicant has amended independent Claims 1, 9, and 15 so that the rejections no longer apply.

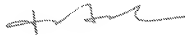
Claims 1, 9, and 15, as amended, include the following limitations: said first portion of said top-side unit being positioned parallel to said first portion of said base unit, and said base unit and said top-side unit together adapted to be adjustably fixed to said mattress. These limitations are supported, for example, in Figures 1 and 2 of the application. None of the prior art, including McJunkin, Craig, Anmelder, and Kepiro, taken separately or together, teach these limitations under 35 U.S.C. 102 or 103.

Applicant believes the objections and rejections in the Office Action have been addressed and that the application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone should the Examiner believe that personal communication will expedite prosecution of this application.

Please charge any shortage in the fees or credit any overpayment to Deposit Account No. 50-3266.

Respectfully submitted,

DLA PIPER US LLP



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